

## Message Text

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PAGE 01 MANILA 20149 230646Z  
ACTION SS-25

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R 230551Z DEC 77  
FM AMEMBASSY MANILA  
TO SECSTATE WASHDC 9569

C O N F I D E N T I A L MANILA 20149

EXDIS

E. O. 11652: GDS  
TAGS: SHUM, RP  
SUBJECT: HUMAN RIGHTS

REFS: A. MANILA 19963 B. STATE 300153

1. REF. A REPORTS MY LATEST MEETING WITH PRESIDENT MARCOS ON HUMAN RIGHTS, REF. B EXPRESSES THE HOPE, WITH WHICH I FULLY AGREE, THAT SUCH MEETINGS WILL BEAR FRUIT IN THE NOT TOO DISTANT FUTURE. IN THIS CONNECTION I BELIEVE IT IS DESIRABLE THAT WE TRY TO ESTABLISH REALISTIC GOALS FOR THESE CONVERSATIONS. THIS MESSAGE ADDRESSES ITSELF TO THIS PROBLEM.

2. THE BASIS FOR SUCH GOALS WOULD SEEM TO LIE IN TWO PARTS OF CURRENT LEGISLATION.

A. IN THE DEFINITION OF "GROSS VIOLATIONS", NAMELY, "TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, PROLONGED DETENTION WITHOUT CHARGES AND TRIAL, AND OTHER FLAGRANT DENIAL OF THE RIGHT TO LIFE, LIBERTY, OR THE SECURITY OF PERSON."

B. IN THE STATEMENTS IN THE LEGISLATION THAT, IN JUDGING A NATION'S PERFORMANCE, CONSIDERATION WILL BE GIVEN TO THE RELEVANT FINDINGS OF APPROPRIATE INTERNATIONAL ORGANIZATIONS AND THE EXTENT OF COOPERATION BY THAT NATION IN PERMITTING UNIMPEDED INVESTIGATION BY SUCH ORGANIZATIONS OF ALLEGED HUMAN RIGHTS VIOLATIONS.

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3. AGAINST THIS LEGISLATIVE BACKGROUND, I BELIEVE I SHOULD, FOR THE PRESENT, MAKE USE OF THESE CONVERSATIONS:

A. TO GAIN AS ACCURATE A PICTURE AS POSSIBLE OF THE CURRENT SITUATION. OBVIOUSLY PRSIDENT MARCOS WILL NOT BE OUR ONLY SOURCE. HE IS, HOWEVER, PROBABLY THE ONLY OFFICIAL WHO WILL FULLY SHARE WITH US DETAILS OF OFFICIAL ACTIONS AND POLICIES.

B. TO RAISE SPECIAL CASES BROUGHT TO OUR ATTENTION BY MEMBERS OF CONGRESS AND OTHERS. (THE HORNE CASE (MANILA 19926) IS ONE SUCH.)

C. TO PERSUADE PRESIDENT MARCOS TO TAKE ALL NECESSARY STEPS TO END INHUMAN TREATMENT OF PRISONERS, INCLUDING TORTURE, UNEXPLAINED DISAPPEARANCES AND PROLONGED DETENTION WITHOUT TRIAL.

D. TO EMPHASIZE THE IMPORTANCE ATTACHED BY AMERICAN OBSERVERS TO AN INDEPENDENT JUDICIAL PROCESS AND TO A FAIR TRIAL OF THOSE ACCUSED OF CRIMES AGAINST THE STATE, INCLUDING ALLEGED MEMBERS OF THE COMMUNIST PARTY.

E. TO ENCOURAGE HIM TO SUBMIT TO A FURTHER VISIT BY THE INTERNATIONAL COMMISSION OF JURISTS (THE LAST SUCH VISIT WAS IN FEBRUARY 1977). I INTEND AT THE NEXT MEETING TO REVIEW WITH HIM THE RECOMMENDATIONS OF THE ICJ IN THEIR REPORT OF AUGUST 1977 (PAGE 48) AND TO RAISE THE QUESTION OF A FURTHER VISIT.  
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4. I BELIEVE THESE TO BE REALISTIC GOALS IMMEDIATELY RESPONSIVE TO WHAT APPEAR TO BE THE BASIC CONGRESSIONAL CONCERNS. AGAINST THIS SET OF GOALS I BELIEVE WE CAN ALREADY SEE SOME RESULTS:

A. PRESIDENT MARCOS HAS AGREED TO GIVE US A LIST OF ALL CURRENT POLITICAL DETAINEES AND THE CHARGES AGAINST THEM. IF THE DEPRTMENT AGREES, I WILL FOLLOW UP AT OUR NEXT MEETING.

B. THE PRESIDENT HAS REPEATED TO ME HIS PLEDGE TO SEEK TO ELIMINATE TORTURE AND OTHER INHUMAN TREATMENT BY HIS SECURITY SERVICES AND HAS AGREED THAT THIS PLEDGE CAN BE REPEATED IN OUR CORRESPONDENCE WITH MEMBERS OF CONGRESS. THERE ARE, MOREOVER, SOME INDICATIONS FROM EMBASSY SOURCES AND CHURCH SOURCES THAT SUCH PRACTICES ARE ON THE DECLINE. (ADDITIONAL INFORMATION BEING FURNISHED THROUGH OTHER CHANNELS.)

C. PRESIDENT MARCOS HAS STATED TO ME THAT THE SUPREME COURT OF THE PHILIPPINES WILL BE GIVEN COMPLETE

DISCRETION TO RENDER ITS JUDGMENT IN THE AQUINO AFFAIR  
AND HAS ALSO AGREED THAT WE CAN REPEAT THIS ASSURANCE IN  
CONGRESSIONAL CORRESPONDENCE.

5. IT IS NOT MY INTENTION BY STRESSING QUESTIONS RELATING  
TO THE TREATMENT OF INDIVIDUALS TO NEGLECT OTHER ASPECTS  
OF HUMAN RIGHTS, INCLUDING THE PHILIPPINE INTERNAL  
POLITICAL PROCESSES. THE LATTER, MOREOVER, MAY BE AN  
AREA WHICH THE PRESIDENT IS MORE LIKELY TO CONSIDER A  
PURELY INTERNAL MATTER AND THEREFORE TO BE LESS RESPON-  
SIVE TO OUR APPROACHES.

6. I DO NOT UNDERESTIMATE THE DIFFICULTY, EVEN IF TTHESE  
GOALS ARE ACHIEVED, OF OVERCOMING THE STRONGLY NEGATIVE  
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IMAGE WHICH MARCOS CURRENTLY HAS IN PARTS OF THE CONGRESS  
AND IN THE NATION. A STRONG CAMPAIGN AGAINST MARCOS IS  
LIKELY TO CONTINUE IN THE U.S. REGARDLESS OF WHAT HE DOES.  
I BELIEVE OUR STRONG INTEREST REQUIRE THAT OUR JUDGMENT  
BE VERY PRECISE AND, IF THERE IS IMPROVEMENT, EVEN IF IT  
IS NOT ALL WE DESIRE, THAT WE BE PREPARED TO ACKNOWLEDGE  
THAT IMPROVEMENT AND ADAPT OUR POLICIES ACCORDINGLY.

7. I AM SUBMITTING IN A FURTHER MESSAGE A SUGGESTED TEXT  
ON THE CURRENT HUMAN RIGHTS SITUATION HERE AND MY DIALOGUE  
WITH THE PRESIDENT WHICH CAN POSSIBLY BE USED IN CONGRES-  
SIONAL CORRESPONDENCE.

8. I WILL WELCOME DEPARTMENTAL COMMENT ON THIS APPROACH  
AND THE OPPORTUNITY TO DISCUSS IT WITH ASSISTANT SECRETARY  
DERIAN IN HONG KONG.  
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## Message Attributes

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